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DEFENDANT PET BRANDS, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE DEFENDANT PET BRANDS
LITIGATION

This Document Relates To:
ALL ACTIONS

Lead Case No. 4:18-cv-00861-JSW

(Consolidated with Nos. 4:18-cv-01465;
4:18-cv-01466; 4:18-cv-01099; 4:18-cv-
01663; and 4:18-cv-02662)

**STIPULATION AND [PROPOSED]
ORDER TO RESCHEDULE HEARING
ON MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT**

Judge: Hon. Jeffrey S. White
Location: Courtroom 5, 2nd Floor

1 Plaintiffs Maclain Mullins, Thomas Roupe, Neil Sebastiano, Nancy Sturm, Kathy
2 Williamson, Mark Johnson, Norman Todd, Betty Christian, Aubrey Thomas, Joyce
3 Brown, Roberta Mayo, Jack Collins, Vivian Jilek, and Rosemarie Schirripa
4 (collectively, “Plaintiffs”) and Defendant Big Heart Pet Brands, Inc. (“Defendant”)
5 (together, the “Parties”), by and through their respective counsel of record, hereby
6 stipulate as follows:

7 WHEREAS, Plaintiff filed this action (“the Complaint”) on February 9, 2018;

8 WHEREAS, Plaintiff filed an Amended Consolidated Complaint (“Amended
9 Complaint”) on June 14, 2018;

10 WHEREAS, on August 28, 2018 Defendant filed and served its Motion to
11 Dismiss the Complaint in its entirety;

12 WHEREAS, on October 12, 2018 Plaintiffs filed and served their opposition
13 papers;

14 WHEREAS, on November 2, 2018, Defendant filed and served its reply papers;

15 WHEREAS, the hearing on the Motion to dismiss was originally scheduled for
16 November 16, 2018, but was rescheduled for January 18, 2018;

17 WHEREAS, due to a scheduling conflicts, Defendant is unavailable on January
18 18;

19 WHEREAS, the foregoing facts constitute good cause to reschedule the hearing
20 on Defendant’s Motion to Dismiss;

21 WHEREAS, the parties recognize that the court typically hears motions on
22 Fridays, but were unable to find a mutually agreeable Friday before March of 2019;

23 THEREFORE, the parties respectfully request that the court consider holding the
24 hearing on a day other than on Friday. After meeting and conferring the parties are
25 available on February 6, 7, 12, 13, or 14, 2019, for a hearing on the Motion.
26

27 IT IS SO STIPULATED AND AGREED.
28

1 Dated: January 7, 2019

WINSTON & STRAWN LLP

2
3 By: /s/ Ronald Y. Rothstein

4 Ronald Y. Rothstein (*admitted pro hac*
5 *vice*)

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16 Attorneys for Defendant

17 BIG HEART PET BRANDS INC.

18
19 Dated: January 7, 2019

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

20
21 By: /s/ Rebecca A. Peterson

22 Rebecca A. Peterson

23 Robert K. Shelquist

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Attorneys for Plaintiffs

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

By: /s/ Ashley E. Roybal
Ashley E. Roybal

ORDER

Pursuant to the Stipulation and good cause appearing, it is ordered that the motion to dismiss hearing will be rescheduled for _____ at _____.

Dated: _____

Hon. Jeffrey S. White
United States District Judge